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October 19, 2017

**VIA ECF**

Hon. John G. Koeltl  
US District Court Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

**Re: USA v. Rimberg (15 Cr. 835) (JGK)**

Dear Judge Koeltl:

Please accept this brief reply to a few of the statements contained in the Government's sentencing submission of October 13, 2017 (Docket Entry 88). Other of the Government's remarks will be addressed at sentencing.

**The Todd, Ferentz, Schwartz & Rimberg Firm ("TFSR")**

Although not in dispute, the defense wishes to emphasize that Mr. Rimberg was *not* a partner in TFSR. Mr. Rimberg's name was added solely so Mr. Schwartz could use the name for marketing purposes. Mr. Rimberg did not share in any of the firm's profits and was not listed on the firm's K-1 as a partner. Mr. Rimberg rarely visited the firm, and was not present for any of the California meetings related to this case.

**The November Meetings in NY**

The Government has characterized Mr. Rimberg's conduct as demonstrating a "remarkable callousness for an experienced lawyer," since the receiving of \$1,000,000 in cash should have raised "a red flag," and that he should have taken steps to verify the source of the funds or their destination. The government agrees that Mr. Rimberg was never aware of the illegal nature of CS-2's business or that the currency was related to narcotics. Moreover, Mr. Rimberg was not

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“remarkably callous” to the source of the money, but was affirmatively misled by Saez and his cohorts.

For example, Ruben Agudelo not only supplied Mr. Rimberg with his resume, but also told him that he was on the Boards of public companies, details of oil refineries he and his companies worked with in Russia, and provided his LinkedIn page which corroborated his story as an experienced and successful businessman with numerous endorsements for his business skills. See, [https://www.linkedin.com/in/ruben-agudelo-8bab6915?ref=PYMK&trk=connect\\_hub\\_pymk\\_shared\\_connx\\_popover](https://www.linkedin.com/in/ruben-agudelo-8bab6915?ref=PYMK&trk=connect_hub_pymk_shared_connx_popover).

Frank Saez, who had a previous relationship with Schwartz, held himself out as a business and finance consultant at various investment firms, specializing in project finance, public offerings, reverse mergers and related transactions. See, <https://pipl.com/rd/?S=1710182238293939321666293072355684342&l=8e504a60cace155d6a0bec15559e598f&DS=55&T=55&U=http%3A%2F%2Fwww.linkedin.com%2Fin%2Ffrank-a-saez-0a284ba&P>. Saez even provided Mr. Rimberg with a copy of his business card stating that he was an “Asset and Portfolio Manager” at ParaFin Corporation (a public company) in Palm Desert, California. (Ex. A). Saez also provided a copy of the business card for ParaFin Corporation’s Chairman of the Board, Sidney Fowlds (Ex. B).

Moreover, in March 2011, four months after the events which gave rise to Mr. Rimberg’s arrest, Saez emailed Mr. Rimberg that Agudelo wanted to do other apparently legal business.

“You might remember Mr. Agudelo from Columbia, South America, who we met last year. He sits on the board of several companies as an advisor to management. He had mentioned that one of his clients was the largest distributor of Medium-Large Valve in the Utility Market.

As per his email below, they have requested a quote for serious consideration.” (Ex. C).

There are numerous other examples of Mr. Rimberg being affirmatively misled by Saez into believing that their business was legitimate. Accordingly, Mr. Rimberg hardly acted with “remarkable callousness” as to these transactions. Not surprisingly, the government’s memorandum acknowledges there “is no evidence” that Rimberg understood that the transactions were drug related.

Finally, the government mistakenly places Mr. Rimberg in a meeting on November 19, 2010 in which CS-2 stated to make sure that “there (*sic*) no cops here,” and that if something goes wrong with the transaction, “I’m the one who gets killed.” The transcript of that meeting (as well as the recording) makes it

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pellucidly clear that **Mr. Rimberg had exited the room at the time of the statements and never had knowledge of the same.**

Respectfully submitted,

**/s/ Michael Bachner**  
Michael Bachner